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PART III.

Legislative Measures and Rules thereunder.

THE MYSORE MINES REGULATION, 1906.

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REGULATION NO. IV OF 1906.

(Passed on the 24th day of July 1906.)

A Regulation to Consolidate and amend the Law Relating to Mines in Mysore.

WHEREAS it is expedient to consolidate and amend the law relating to Mines in Mysore; His Highness the Maharaja is pleased to enact as follows :—

Preamble.

PRELIMINARY.

Short title. 1. This Regulation may be called "The Mysore Mines Regulation, 1906."

Local extent and commencement. It extends to the whole of Mysore, and shall come into force on the first day of September 1906.

Repeal. 2. The Mysore Mines Regulation, 1897, and Regulations I and VI of 1900 are hereby repealed.

Interpretation. 3. In this Regulation, unless there be something repugnant in the subject or context,

Mining operation. (1) "Mining operation" includes—

(a) the carrying on of any underground or surface work in connection with the prospecting for, or the mining, winning, dressing, milling and treatment of ores, minerals and mineral products of every description;

(b) the erecting, making and using of, and otherwise dealing with, for purposes of such work, any railway, tramway, road, building machinery and other plant; and

(c) the manufacture, carriage, storage and use of all explosives, chemicals and other materials to be employed in such work.

Mining Block. (2) "Mining Block" means any block or area of land in and upon which the right to carry on mining operations is held by a Mining Proprietor under a Mining Lease granted by the Government.

Mine. (3) "Mine" means any place above or below ground where any mining operation is carried on, and includes all such portions of the surface of any mining block whereon the right of entry has been acquired by purchase or otherwise by a Mining Proprietor.

Mining Proprietor. (4) "Mining Proprietor" or "Proprietor" means any person or persons or company on whose behalf any mining operations are carried on.

Mining Superintendent. (5) "Mining Superintendent" or "Superintendent" means the person who is the local representative of a Mining Proprietor, and includes an Agent or Manager in charge of any mine on behalf of a Mining Proprietor.

(6) "Mining material" includes—

Mining material. (a) alluvial gold, gold ores, native gold, precious stones and other rocks and minerals of value;

(b) gold amalgam, sponge gold, zinc precipitates, slags, concentrates, tailings, residues and other valuable mineral products of mines in any stage of treatment or extraction; and mercury, potassium cyanide and other chemicals, apparatus, tools marked with the distinguishing mark of the mine, and materials used in such treatment and extraction;

(*c*) dynamite, nitro-glycerine, blasting gelatins, gelatine dynamite, fuse, detonators and other explosives used or intended to be used in mining operations;

(*d*) stearine candles distinguished by the wax being of a light pink colour; and

(*e*) such other materials and things used or intended to be used in mining operations as may be declared by the Government from time to time, by notification published in the official Gazette, to be mining materials.

Unwrought gold.

(*7*) "Unwrought gold" includes bar gold, gold bullion and any alloy containing gold in any form whatever which though smelted is not made up into articles of jewellery, vessels, coins, or other articles of use or commerce.

Gold dealer.

(*8*) "Gold dealer" means any person who buys or sells unwrought gold, or receives unwrought gold by way of barter or pledge.

Goldsmith.

(*9*) "Goldsmith" means any person who, by profession, melts, refines, or works in unwrought gold or silver, or engages in the melting or manufacture of articles made of gold or silver or of alloys containing gold or silver, and includes a silversmith.

Inspector of Mines.

(*10*) "Inspector of Mines" includes any officer to whom all or some of the duties of an Inspector of Mines under this Regulation shall have been delegated, by a general or special order of the Government, so far as the performance of such duties is concerned.

PROTECTION OF MINING PROPERTY.

Sections 5 to 20 may be applied to specified areas.

4. (*1*) The provisions of sections 5 to 20, inclusive, shall not apply to any local area unless extended thereto by the Government by a notification published in the official Gazette.

(*2*) The Government may, by a like notification, cancel or modify any notification issued under sub-section (1).

Mining materials not to be purchased, conveyed or kept without written permission.

5. No person shall purchase or take in barter or exchange any mining material belonging to a Mining Proprietor without the written permission of such Mining Proprietor or his Superintendent, nor shall any person, without such written permission, receive, convey, or, except in such places as may be specially authorized, keep, any such mining material otherwise than for use for mining purposes on behalf of such Mining Proprietor or his Superintendent.

Penalty for unlawful possession of mining materials.

6. Any person found to be in possession of any mining material without the written permission of a Mining Proprietor or Superintendent, and unable to prove that his possession of the same was obtained in a lawful manner, shall, on conviction before a Magistrate, be liable to the penalty provided in section 13.

Licenses required for gold dealers and goldsmiths.

7. It shall not be lawful for any person to buy or sell unwrought gold or to receive unwrought gold by way of barter or pledge without a gold dealer's license, nor to carry on the profession of a goldsmith without a goldsmith's license as hereinafter provided.

Provided that it shall not be necessary for a Mining Proprietor to take out a goldsmith's license on account of the smelting, refining or other preparation of any gold obtained from his mine by any persons acting on his behalf.

Power to grant a license.

8. (*1*) The licenses referred to in section 7 may be issued by a Magistrate of the First Class on payment of such fees as the Government may by rule prescribe in that behalf, and every license shall terminate on the 31st day of December of the year in which it is issued.

(*2*) Every gold dealer's and every goldsmith's license and every application for a license, shall, respectively, be in such forms as may be prescribed by Government.

9. No license shall be issued to any applicant unless the Magistrate is satisfied that he is a person of good character and reputation, and it shall be in the absolute discretion of the Magistrate to grant or withhold such license as he may think fit. Any license may be cancelled by a First Class Magistrate on the licensee being convicted of any offence—such conviction not being reversed on appeal or in revision—which in the opinion of the Magistrate renders him unfit to hold a license. Provided that any decision under this section by a Magistrate other than the District Magistrate shall be appealable to the District Magistrate, whose order shall be final.

Power to cancel a license.

10. (1) Every licensed gold dealer shall keep at his place of business a book (hereinafter called a gold dealer's register) in which the receipt or disposal of all unwrought gold shall be immediately entered in such form as may be prescribed by Government.

Books to be maintained.

(2) Every licensed goldsmith shall keep at his place of business a book (hereinafter called a goldsmith's register) in which the receipt or disposal of all gold, silver, gold or silver jewellery, unwrought gold or other gold stuff, received, treated, or disposed of, by him shall be immediately entered in such form as may be prescribed by Government.

(3) Every gold dealer's register and every goldsmith's register together with any article or items of gold referred to therein and in the possession of the licensee shall be open to inspection at any time by any police officer not below the rank of Chief Constable, or any police officer specially authorized in this behalf by the Superintendent of Police, or by a First Class Magistrate; provided that the person making such inspection shall not divulge the result thereof to any person other than a police officer or Magistrate or by order of a court, under a penalty on conviction not exceeding one hundred rupees.

11. No licensed goldsmith shall smelt, work, use or deal with any of the articles directed to be entered in his register under section 10 until after the expiry of three clear days from the time when such article is received by him. Provided that this section shall not apply to the repairing of articles of jewellery by a goldsmith in any way which does not change or destroy the identity of such articles.

Goldsmiths not to deal with gold, etc., until after three days of receipt.

12. It shall not be lawful for any person to have in his possession any unwrought gold unless he holds a gold dealer's license or a goldsmith's license or unless he is a Mining Proprietor or duly accredited person acting on behalf of a Mining Proprietor.

Possession of unwrought gold unlawful except in certain cases.

13. Any person committing an offence under section 5, 6, 7, 10, 11 or 12 shall, except in the case mentioned in the proviso to sub-section (3) of section 10, be liable on conviction to fine not exceeding five hundred rupees, or imprisonment of either description for a term which may extend to one year, or both.

Penalty for breach of section 5, 6, 7, 10, 11 or 12.

14. It shall be in the discretion of the Magistrate, in the case of any person, not being a female or other person exempted under section 393 of the Code of Criminal Procedure, who shall be convicted of a second offence under section 5, 6, 7 or 12, to award whipping under the provisions of the Mysore Whipping Regulation V of 1903, either in substitution of, or in addition to, the penalty provided in section 13.

Substitution or addition of whipping in certain cases.

15. Any police officer, not below the rank of an officer in charge of a police station may search any person or any house, building or place for the discovery of any mining material, unwrought gold or other thing with, or in respect of, which an offence under this Regulation is reasonably suspected to have been committed.

Power to search.

16. Any person being the tenant or occupier or reputed tenant or occupier of any premises, at the time when any unwrought gold or mining material reasonably suspected of being stolen or unlawfully obtained is found thereon and seized by any police officer, shall be deemed to have been in possession of such unwrought gold or mining material within the meaning of section 12 or 6, as the case may be, until he proves the contrary.

Liability of tenant or occupier of premises in regard to unwrought gold or mining material seized therein.

17. Any person not employed in a mine who shall have been directed to quit such mine by an order in writing signed by the Superintendent of the Mine, and who subsequently to such order remains at or re-enters upon the mine without the permission of the Superintendent, and any person not employed at any mine who shall have been directed to vacate a Government cooly colony by an order in writing signed by the Superintendent of Police, and who subsequently to such order remains in or returns to such Government cooly colony without the permission of the Superintendent of Police, shall be liable on conviction before a Magistrate to the penalty provided in section 19.

Liability of unemployed person ordered off any mine or cooly colony.

18. No hawker or pedlar shall carry on his business without a license in writing obtained for that purpose from a Magistrate of the First Class. Licenses shall be issued subject to such conditions and the levy of such fees as Government may prescribe. Any person carrying on such business without a license as aforesaid, or acting in contravention of any of the conditions of such license, shall be liable on conviction before a Magistrate to the penalty provided in section 19.

License required for hawkers and pedlars.

19. Any person committing an offence under section 17 or 18 shall be liable on conviction to fine not exceeding one hundred rupees or imprisonment of either description for a term not exceeding three months, or both.

Penalty for breaches of sections 17 and 18.

20. All offences under sections 5, 6, 7, 10, 11, 12, 16, 17 and 18 of this Regulation shall be cognizable by the police.

Cognizability of offences by the Police.

SAFETY AND DISCIPLINE OF MINING EMPLOYEES AND INSPECTION OF MINES.

21. All mining operations carried on in Mysore shall be conducted in accordance with such general or special rules for the prevention of danger to human life or safety, and for the reporting and investigation of accidents and other matters connected with such mining operations, as may from time to time be prescribed in that behalf by the Government.

Government may frame general or special rules.

22. (*1*) Each Mining Proprietor may, either directly or through his Superintendent, prescribe, with the previous sanction of the Government, such further rules, not being inconsistent with this Regulation or the rules issued under the last preceding section, for the conduct and guidance of persons who have the management of his mine, and of those who are employed in or about the said mine, as may be considered necessary to meet the particular circumstances of the said mine, and calculated to prevent accidents likely to cause danger to human life or safety, and to provide for the safety and proper discipline of the persons employed in or about the said mine.

Further rules by Mining Proprietors.

(*2*) The Government may at any time cancel or vary any sanction granted under this section.

23. Every Mining Proprietor and his Superintendent shall publish the rules prescribed under sections 21 and 22 of this Regulation in such manner that all persons engaged in or about the mine shall have an opportunity of knowing adequately such rules as may relate to the work they are employed upon.

Publication of rules.

Penalty for breach of rules.

24. Every person who contravenes, or does not comply with, any rule duly prescribed under section 21 shall, for every such offence, be liable to a fine not exceeding one hundred rupees;

Liability of Superintendent.

and in the case of any contravention of, or non-compliance with, any such rule by any person whatsoever being proved, the Superintendent of the Mine shall be liable to a like penalty, unless he proves that he had taken all reasonable means by publishing and to the best of his power, enforcing the said rule in the working of the mine to prevent such contravention or non-compliance.

Appointment of Inspector of Mines.

25. The Government may appoint an officer to be called the Inspector of Mines, whose duty it shall be to inspect and examine the mines periodically for the purpose of satisfying himself that the provisions of this Regulation and the rules prescribed under sections 21 and 22 thereof are strictly enforced, and for enquiring generally into the mode of carrying on mining operations.

Powers of Inspector.

26. The Inspector of Mines shall have power to do all or any of the following things, namely :—

(i) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Regulation and the rules framed thereunder are complied within the case of any mine;

(ii) to enter, inspect and examine any mine and every part thereof, at all reasonable times by day and night, but so as not to impede or obstruct unreasonably the working of the mine;

(iii) to examine into, and make enquiry respecting, the state and condition of any mine or any part thereof and the ventilation of the mine, and the sufficiency of the special rules for the time being in force in the mine, and all matters and things connected with or relating to the safety of the persons employed in or about the mine; and

(iv) to exercise such other powers as may be necessary for the due discharge of his duties under this Regulation.

The examination and enquiry referred to in this section may be carried on by any officer to whom the Inspector of Mines may, in accordance with a general or special order of the Government, delegate the same.

Mining Proprietor or Superintendent to afford facilities to Inspector.

27. Every Mining Proprietor or Superintendent shall furnish the Inspector of Mines, on requisition, with the means necessary for making any entry, inspection, examination or inquiry under this Regulation, and in case of non-compliance with such requisition, shall be liable to a fine not exceeding one hundred rupees.

Notice of defects by Inspector of Mines.

28. If the Inspector of Mines finds that in any mining operation, the provisions of this Regulation or of the rules thereunder are not duly observed, or that any mine or part thereof or any matter, thing or practice in or connected with such mine, or with the control, management or direction thereof, is dangerous to human life or safety, or defective so as to threaten or tend to the bodily injury of any person, he may give notice in writing to the Mining Proprietor or his Superintendent, stating the particulars in which he considers the provisions of this Regulation or the rules aforesaid are not observed, or the mine or any part thereof or any matter, thing or practice is dangerous or defective, and require the same to be remedied within a specified time.

Report to Magistrate and Government.

29. The Inspector of Mines shall forthwith forward to the Magistrate of the District, and to any other Magistrate specially empowered by the Government, a copy of every notice under section 28 which requires anything to be done or remedied so as to prevent danger to human life or safety, and he shall also report to such Magistrate as aforesaid the compliance or non-compliance with every such notice as aforesaid.

The Inspector of Mines shall report to the Government every non-compliance with a notice issued under section 28.

Objection by Mining Proprietor.

30. If the Mining Proprietor or his Superintendent objects to comply with any requisition in a notice under section 28, he may, within ten days after receipt of the notice, send his objection in writing, stating the grounds thereof, to the Government, and thereupon the matter shall be determined by arbitration in the manner provided by this Regulation.

Provided that nothing in this section shall affect the powers of a Magistrate under section 144 of the Code of Criminal Procedure.

Rules for Arbitrations.

31. Arbitrations under this Regulation shall be conducted in accordance with the following provisions :—

(*a*) Within fourteen days after the lodging of an objection under the last preceding section, the Mining Proprietor or Superintendent, and the Inspector of Mines on behalf of the Government, who shall both be deemed to be parties to the arbitration, shall each nominate an arbitrator.

(*b*) The arbitrators, before entering upon their duties shall nominate another person as umpire.

(*c*) No person who has no knowledge of mining work shall be an arbitrator, and no person who is not a Justice of the Peace or a District Judge or a Magistrate of the First Class shall be an umpire ; nor shall any person act as arbitrator or umpire who is employed or interested in the management of the mine to which the arbitration relates. Every objection to the qualification of an arbitrator shall be preferred in writing at the earliest opportunity to the Magistrate of the District, whose decision thereon shall be final :

Provided that no such objection shall be taken after the award has been made.

(*d*) If the arbitrator appointed by either party fails to proceed with the arbitration for seven days consecutively, or if he cannot proceed with it owing to death, sickness or other cause, the other party may, by notice in writing, require the appointment of another person in his place.

(*e*) If the umpire similarly fails to act in the matter of arbitration, either party may call on the arbitrators to appoint another person in his place.

(*f*) If, within seven days after the receipt of a notice under clause (*d*) or (*e*), no new arbitrator or umpire has been appointed, or where the arbitrators do not agree to appoint an umpire, the District Magistrate shall, on the application of any of the parties, appoint a proper person as arbitrator or umpire, as the case may be.

(*g*) The arbitrators or the umpire, as the case may be, may examine the parties and their witnesses on oath ; and for this purpose, any Magistrate having local jurisdiction shall, on their requisition in writing, summon the witnesses to appear before them or produce documents in their possession.

(*h*) When both the arbitrators are agreed on the matters referred to them, their decision shall be final ; but whenever there is a difference on all or any of such matters, the matters in difference shall be submitted to the umpire, whose decision thereon shall be final.

(*i*) The payment (if any) to be made to an arbitrator or umpire for his services shall be fixed by the Government ; and, together with the costs of the arbitration or award (to be taxed as in a proceeding in a Civil Court), shall be paid by the parties or one of them as the award may direct.

(*j*) Every proceeding held by the arbitrators or umpire under this section shall be deemed to be a judicial proceeding within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

(*k*) The Government may, from time to time, make such additional rules as it may deem necessary for the conduct of arbitrations under this Regulation, but not so as to be inconsistent with any of its provisions.

Penalty for non-compliance with Inspector's order or award of arbitrators.

32. Any person who intentionally or negligently omits to comply with a notice under section 28 except when an objection has been duly lodged under section 30 or with the terms of an award made under section 31, shall, for every such omission, be liable to a fine not exceeding one thousand rupees; and, in case the omission has been intentional, to a further fine not exceeding one hundred rupees for each day the omission continues:

Provided that the Court, if satisfied that the Mining Proprietor or Superintendent has taken active measures for complying with the notice or award, but has not with reasonable diligence been able to complete the works, may adjourn the proceedings taken before it for punishing the offence, and if the works are completed within a reasonable time, no penalty shall be inflicted.

Imprisonment for offences calculated to endanger the safety of persons.

33. Where any person is guilty of any offence under this Regulation which, in the opinion of the Magistrate who tries the case, is one which was reasonably calculated to endanger the safety of any person or cause serious personal injury to any person or to cause a dangerous accident, and was committed by the personal act, personal default, or personal negligence of the person accused, such person shall be liable, if the Court is of opinion that a pecuniary penalty will not meet the circumstances of the case, to imprisonment of either description for a period not exceeding three months.

SANITATION.

Power of Government to make rules for sanitation and sanitary administration.

34. (*1*) The Government may, from time to time, make rules for the special sanitation and sanitary administration of any local area within which mining operations may be carried on.

(*2*) In particular, and without prejudice to the generality of the foregoing provision, such rules may provide—

(*a*) for regulating the disposal of kitchen and stable refuse, animal refuse of all kinds, and night-soil or other such offensive matter;

(*b*) for conserving and guarding against pollution all sources of water-supply;

(*c*) for preventing overcrowding in bazaars, in cooly lines, and in streets or houses for work-people or others;

(*d*) for the proper cleansing of drains, sewers, latrines and urinals;

(*e*) for regulating the keeping of cattle and other animals, the location of sheds for them, and the fixing or licensing of slaughter-houses; and authorizing the levy of rent or fees for the use of the same or a fee on each animal slaughtered therein at such rates as may be prescribed from time to time; and

(*f*) for the proper and timely treatment of persons affected with cholera or other epidemic disease, and for preventing the spread of such disease by temporarily prohibiting persons affected or suspected to be affected with it from moving to or from particular specified places or travelling on particular specified routes.

(*3*) The local area for which the rules under this section are made shall be described in a notification published in the official Gazette.

Constitution of a Sanitary Board.

35. (*1*) For the purpose of carrying out the rules made under the last preceding section, the Government may appoint any persons, official or non-official or both, residing within or in the vicinity of such area, to constitute a Sanitary Board, and invest such Board with powers for the enforcement of the said rules, and prescribe the mode in which such Board shall conduct its business for carrying out the said rules.

(2) The powers with which the Sanitary Board may be invested under this section include—

(*a*) power to prescribe bye-laws, with the previous sanction of Government, for the special sanitation of the area under its authority and for the conduct of its business;

(*b*) power to levy, with the like sanction, such tax, rate or cess within the said area as a Municipal Council would be competent to levy under the law in force relating to Municipalities.

Punishment for breach of rules and bye-laws.

36. For every breach of a rule made under section 34 or of a bye-law made under section 35 the offender shall be liable to a fine not exceeding rupees one hundred.

GENERAL.

Rules requiring returns and delivery of specimens.

37. The Government may frame rules requiring the delivery of periodical returns of work done, workmen employed, the outturn from the mine of minerals and mineral ores, and such other information as the Government may think fit to demand; and for the furnishing of samples of quartz and other rocks and minerals mined or met with in the course thereof, and prescribe a fine not exceeding one hundred rupees for every breach of such rules.

Abetment of offences under this Regulation.

38. The abetting (within the meaning of the Indian Penal Code) of any offence under this Regulation shall be punishable in the same manner as the offence itself.

Offences against Regulation and rules by whom cognizable.

39. All offences punishable under this Regulation and all breaches of any rules or bye-laws made thereunder shall be cognizable by the District Magistrate or a Magistrate of the First or Second Class.

Provisions of the Code of Criminal Procedure to apply to searches.

40. The provisions of the Code of Criminal Procedure relating to searches shall, so far as may be, apply to all searches made or instituted under this Regulation.

Publication of rules and bye-laws.

41. All rules and bye-laws made under this Regulation shall be published in the official Gazette, and shall thereupon have the force of law.

V. P. MADHAVA RAO,

Dewan.